

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Environmental Affairs, to which was referred Senate Bill 207, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 13-15-6-1, AS AMENDED BY P.L.25-1997,
- 4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 1998]: Sec. 1. Not later than fifteen (15) days after ~~receiving~~
- 6 **being served** the notice provided by the commissioner under
- 7 IC 13-15-5-3:
- 8 (1) the permit applicant; or
- 9 (2) any other person aggrieved by the commissioner's action;
- 10 may appeal the commissioner's action to the office of environmental
- 11 adjudication and request that an environmental law judge hold an
- 12 adjudicatory hearing concerning the action under IC 4-21.5-3 and
- 13 IC 4-21.5-7.
- 14 SECTION 2. IC 13-15-6-3, AS AMENDED BY P.L.25-1997,
- 15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 1998]: Sec. 3. (a) Not later than thirty (30) days after

1 ~~receiving~~ **being served** a request for an adjudicatory hearing, an
 2 environmental law judge under IC 4-21.5-7 shall, if the environmental
 3 law judge determines that:

4 (1) the request was properly submitted; and
 5 (2) the request establishes a jurisdictional basis for a hearing;
 6 assign the matter for a hearing.

7 (b) Upon assigning the matter for a hearing, an environmental law
 8 judge may stay the force and effect of the following:

9 (1) A contested permit provision.
 10 (2) A permit term or condition the environmental law judge
 11 considers inseverable from a contested permit provision.

12 (c) After a final hearing under this section, a final order of an
 13 environmental law judge on a permit application is subject to review
 14 under IC 4-21.5-5.

15 SECTION 3. IC 13-15-6-5, AS ADDED BY P.L.1-1996,
 16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 1998]: Sec. 5. (a) This section applies to an application for a
 18 permit or for the renewal of a permit under the operating permit
 19 program under 42 U.S.C. 7661 through 7661f.

20 (b) Notwithstanding IC 4-21.5-5-5, a person may file a petition for
 21 judicial review of final agency action on an application for a permit, a
 22 permit renewal, or a permit revision more than thirty (30) days after the
 23 person ~~receives~~ **is served** notice of the final agency action if the
 24 following conditions exist:

25 (1) The petition is based on new grounds that arise more than
 26 thirty (30) days after the person ~~receives~~ **is served** the notice.
 27 (2) The petition is filed not more than thirty (30) days after the
 28 new grounds arise.
 29 (3) The new grounds:
 30 (A) are based on new information that was not available
 31 during the review period; and
 32 (B) could not by due diligence have been discovered and
 33 produced within the time required for the proceedings under
 34 this section.

35 SECTION 4. IC 13-15-6-7 IS ADDED TO THE INDIANA CODE
 36 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 1998]: **Sec. 7. (a) In computing a period of time under this**
 38 **chapter, the day of the act, event, or default from which the**

designated period of time begins to run is not included. The last day of the computed period is to be included unless it is a:

- (1) Saturday;
- (2) Sunday;
- (3) legal holiday under a state statute; or
- (4) day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subdivisions (1) through (4).

(c) A period of time under this chapter that commences when a person is served with a paper commences with respect to a particular person on the earlier of the date that:

- (1) the person is personally served with the notice; or
- (2) a notice for the person is deposited in the United States mail.

(d) If a notice is served through the United States mail, three (3) days must be added to a period that commences upon service of that notice."

Page 1, line 9, delete "recommended".

Page 1, line 10, delete "by representative constituencies and".

Page 1, line 10, delete ":".

Page 1, line 11, reset in roman "based on recommendations from representative constituencies:".

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 6. IC 13-17-3-4, AS ADDED BY P.L.1-1996, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) The board shall adopt rules under IC 4-22-2 that are:

- (1) consistent with the general intent and purposes declared in IC 13-17-1 and section 1 of this chapter; and
- (2) necessary to the implementation of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549).

(b) Notwithstanding IC 13-15-5, the board may adopt rules under IC 4-22-2 and IC 13-14-9 that allow the commissioner's actions on permits and permit modifications to become effective immediately, regardless of whether a thirty (30) day comment

- 1 **period is held on the permits or permit modifications. The board**
 2 **may adopt rules under this subsection only after considering the:**
 3 **(1) environmental significance of;**
 4 **(2) federal requirements for federally delegated or approved**
 5 **programs concerning; and**
 6 **(3) need for opportunity for public participation on;**
 7 **the permits or permit modifications."**
 8 Page 2, line 20, delete "recommended".
 9 Page 2, line 21, delete "by representative constituencies and".
 10 Page 2, line 21, delete ":".
 11 Page 2, line 22, reset in roman "based on recommendations from
 12 representative constituencies:".
 13 Page 2, delete lines 38 through 42.
 14 Delete page 3.
 15 Renumber all SECTIONS consecutively.
 (Reference is to SB 207 as printed January 23, 1998.)

and when so amended that said bill do pass.

Representative Sturtz